

REMARKS/ARGUMENTS

The Applicants originally submitted Claims 1-25 in the application. In a previous response, the Applicants amended Claims 1-2, 13 and 21-24. In the present preliminary amendment, the Applicants have amended Claims 1-10, 12-14, 17-18, 20-21 and 24-25. Presently, no other claims have been canceled, amended or added. Accordingly, Claims 1-25 are currently pending in the application.

I. Rejection of Claims 1-4, 10 and 13-18 under 35 U.S.C. §102

Previously, the Examiner rejected Claims 1-4, 10 and 13-18 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,887,254 to Halonen. The Applicants respectfully disagree since Halonen does not teach each element of amended independent Claims 1 and 13 and Claims dependent thereon.

Halonen is directed to downloading operating software to a mobile terminal. (See column 1, lines 52-54.) The Applicants do not find where Halonen teaches a mobile phone including an interface unit configured to download user interface data from an external data source in a production environment after a manufacturing phase of the mobile phone as recited in amended independent Claims 1 and 13. Additionally, the Applicants do not find where Halonen teaches a mobile phone including a digital memory configured to store the user interface data and run-time software installed during a manufacturing phase of the mobile phone, wherein the run-time software is configured to employ the user interface data to tailor the mobile phone for a specific market as recited in amended independent Claims 1 and 13. In fact, the Applicants do not find where Halonen

is even concerned with user interface data. Instead, Halonen discloses downloading operating software to an inactive memory to prevent disruption in service or availability of the mobile terminal by not interfering with an active operating program. (See column 1, lines 54-56 and column 4, lines 10-17.) Furthermore, Halonen does not teach downloading user interface data from an external data source in a production environment but instead teaches updating installed operating software away from a production environment. (See for example, column 1, lines 29-31.)

Therefore, for at least these reasons, Halonen does not disclose each and every element of the claimed invention and as such, is not an anticipating reference of independent Claims 1 and 13 and Claims that depend thereon. Accordingly, the Applicants respectfully request the Examiner to withdraw the §102 rejection with respect to Claims 1-4, 10 and 13-18 and allow issuance thereof.

II. Rejection of Claims 5-9, 11-12, and 20 under 35 U.S.C. §103

Previously, the Examiner rejected dependent Claims 5-9, 11-12, and 20 under 35 U.S.C. §103(a) as being unpatentable over Halonen in view of one or more of U.S. Patent Publication No. 2001/0012281 by Hall, U.S. Patent No. 6,018,654 to Valentine, U.S. Patent No. 6,393,274 to Peltonen and U.S. Patent No. 6,541,326 to Goldstein. As discussed above, Halonen does not teach each element of independent Claims 1 and 13. Additionally, Halonen does not suggest each element of independent Claims 1 and 13 since Halonen teaches downloading updates for operating software away from a production environment. (See for example, column 1, lines 29-31.) Thus, Halonen does not teach or suggest each element of Claims 1 and 13.

The Examiner has not cited the above patents or publication (references) to cure the above

deficiency of Halonen but to teach the subject matter of specific dependent claims. Furthermore, the Applicants do not find where the cited references teach or suggest a mobile phone including an interface unit configured to download user interface data from an external data source in a production environment after a manufacturing phase of the mobile phone as recited in amended independent Claims 1 and 13. Thus, the cited combinations do not teach or suggest each element of independent Claims 1 and 13 and Claims dependent thereon.

Since the cited combinations fail to teach or suggest each element of independent Claims 1 and 13, the cited combinations do not provide a *prima facie* case of obviousness of Claims 1 and 13 and Claims dependent thereon. Accordingly dependent Claims 5-9, 11-12, and 20 are not unpatentable in view of the cited combinations and the Applicants respectfully request the Examiner to withdraw the §103(a) rejection and allow issuance thereof.

III. Rejection of Claims 21-25 under 35 U.S.C. §103

Previously, the Examiner rejected Claims 21-25 under 35 U.S.C. §103(a) as being unpatentable over Hall in view of Halonen. The Applicants respectfully disagree. As discussed above, Halonen does not teach or suggest a mobile phone including an interface unit configured to download user interface data from an external data source in a production environment after a manufacturing phase of the mobile phone as recited in amended independent Claims 1 and 13. Halonen, therefore, does not teach or suggest each element of amended independent Claim 21 that includes an end user tool that facilitates a transfer of user interface data from an external data source located in a mobile phone production environment to a mobile phone after a manufacturing phase thereof.

Hall is directed to using the World-Wide Web (WWW) to define certain mobile phone services a user may desire or need to see on a mobile phone display. (See column 1, lines 6-10.) The user can select service preferences from the WWW, save the selections to a server in a mobile phone network and download the services as new applications from the server to the mobile phone. (See column 2, lines 16-29.) Preferably, the mobile phone includes a memory for storing the new applications. (See column 4, lines 28-30.)

Hall, therefore, discloses a user downloading applications for their mobile phone but the Applicants do not find where Hall teaches or suggests a transfer of user interface data from an external data source located in a mobile phone production environment to a mobile phone after a manufacturing phase thereof for tailoring the mobile phone for a specific market. Instead, Hall teaches the user downloading selected applications as desired and downloading away from a production environment. Therefore, Hall does not cure the deficiencies of Halonen. As such, the cited combination of Halonen and Hall does not teach or suggest each element of independent Claim 21.

Since the cited combination of Halonen and Hall fails to teach or suggest each element of independent Claim 21, the cited combination fails to provide a *prima facie* case of obviousness of Claim 21 and Claims dependent thereon. Accordingly, Claims 21-25 are not unpatentable in view of the cited combination of Halonen and Hall. Thus, the Applicants respectfully request the Examiner to withdraw the § 103(a) rejection and allow issuance of Claims 21-25.

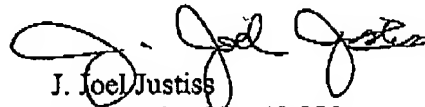
IV. Conclusion

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-25.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application.

Respectfully submitted,

HITT GAINES, PC


J. Joel Justiss
Registration No. 48,981

Dated: 8/18/05

P.O. Box 832570
Richardson, Texas 75083
(972) 480-8800